

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JAMES JENKO**, on behalf of himself and )  
all others similarly situated, )

Plaintiff, )

v. )

**WAL-MART STORES, INC.** )

Defendant. )

2:13cv204

**Electronic Filing**

**ORDER OF COURT**

AND NOW, this 13th day of March, 2013, counsel for all parties having been identified on the record, IT IS HEREBY ORDERED as follows:

1. **Initial Case Management Conference.** Pursuant to Local Rule 16.1, an Initial Case Management Conference shall be held before the undersigned on **Wednesday, April 24, 2013, at 10:00 a.m.**, Courtroom No. 7A, Seventh Floor, United States Post Office and Courthouse, Pittsburgh, PA. At the conference, the parties will discuss narrowing of the issues, the extent of pretrial preparation, discovery procedures, the early disposition of controlling questions of law, the probable extent of provable damages, the possibility of settlement, the designation of an Alternative Dispute Resolution process, and any other matter that will contribute to the prompt disposition of the case.

Trial counsel and all unrepresented parties shall be present at the conference. If trial counsel is unable to attend, the Court will require the presence of substitute counsel who is fully informed as to the status of the case and who is authorized to make binding agreements on behalf of the client and trial counsel.

2. **Rule 26(f) Conference.** Pursuant to Rule 26(f) and notwithstanding the pendency of any outstanding motion, the parties **MUST** confer to consider the nature and basis

of their claims and defenses and the possibilities for a prompt settlement or resolution of the case and to make arrangements for the disclosures required by Rule 26(a)(1) on or before **April 9, 2013**. Plaintiff shall initiate this conference; however, the Court will hold all parties responsible for ensuring that this conference is held in a timely manner.

3. **Rule 26(f) Report.** The parties **MUST** confer as necessary and **MUST** file with the Court the Stipulation Selecting ADR Process (form attached hereto) and the Rule 26(f) Report (form attached hereto) on or before **April 16, 2013**. The parties may decide who will prepare and file the Stipulation and Rule 26(f) Report; however, the Court will hold all parties responsible for ensuring that the Stipulation and Report are filed in the correct form and in a timely manner. **This Court requires strict compliance with Rule 26.**

**THE PARTIES ARE HEREBY NOTIFIED THAT ANY IDENTIFIED NEUTRAL (COURT APPROVED OR PRIVATE) IS REQUIRED TO BECOME A REGISTERED USER OF THE ELECTRONIC CASE FILING SYSTEM IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA. COUNSEL SHALL SO NOTIFY THEIR AGREED UPON NEUTRAL AND REFER THEM TO THE COURT'S WEBSITE AT [WWW.PAWD.USCOURTS.GOV](http://WWW.PAWD.USCOURTS.GOV) FOR USER REGISTRATION FORMS. COUNSEL SHALL CONFIRM TO THE COURT AT THE INITIAL CASE MANAGEMENT CONFERENCE THAT THE SELECTED NEUTRAL HAS COMPLETED THIS PROCESS.**

s/ DAVID STEWART CERCONI  
David Stewart Cercone  
United States District Judge

cc: Joseph H. Chivers, Esquire  
Brandon J. Lester, Esquire

*(Via CM/ECF Electronic Mail)*